

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KELLY MARIE UNDERHILL,

Plaintiff,

Case No. 13-cv-11952

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
(document no. 17), **GRANTING IN PART UNDERHILL'S MOTION**  
**FOR SUMMARY JUDGMENT** (document no. 12), **DENYING COMMISSIONER'S**  
**MOTION FOR SUMMARY JUDGMENT** (document no. 15), **AND REMANDING CASE**

The Social Security Administration denied plaintiff and claimant Kelly Underhill's application for a period of disability and disability insurance benefits. An Administrative Law Judge issued the original decision. See ALJ Decision, ECF No. 8-2, at 26. After the SSA Appeals Council declined to review the ruling, Underhill appealed to this Court. The Court referred the matter to a United States Magistrate Judge, and the parties filed cross motions for summary judgment. On August 7, 2014, the magistrate judge issued a Report and Recommendation suggesting the Court grant in part Underhill's motion and deny the Commissioner of Social Security's motion. Report, ECF No. 17.

A copy of the Report was sent to the parties on August 7, 2014. Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Neither party has filed any objections. De Novo review of the magistrate judge's findings is therefore not required. See Fed.R.Civ.P. 72(b)(3). The Court has reviewed the file and the Report, and finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions and will

enter an appropriate judgment.

**ORDER**

**WHEREFORE**, it is hereby **ORDERED** that Underhill's motion for summary judgment (document no. 12) is **GRANTED IN PART**. This matter is **REMANDED** to the Commissioner for proceedings not inconsistent with this opinion.

**IT IS FURTHER ORDERED** that the magistrate judge's Report and Recommendation (document no. 17) is **ADOPTED**.

**IT IS FURTHER ORDERED** that the Commissioner's Motion for Summary Judgment (document no. 15) is **DENIED**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: September 18, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 18, 2014, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager